



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Thursday, the Eighteenth day of May Two Thousand and Twenty Three
PRESENT

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
AND**

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WMP(MD) . No.9331 of 2023
in
WP(MD).11861 of 2022

1. A.Raj Kumar
2. A.Vengattammal
3. R.Divya
4. Sree Alagar Indane Agencies ... Petitioners/Petitioners

Vs

1. The Chief Judicial Magistrate
Madurai.
- 2 Chola mandalam Investment &
Finance Co.Ltd.
Rep.its by Authorized Officer
Thiyagarajan, S/o.Neelamegam,
Dare House No.2 N.S.C. Bose Road,
Parrys,
Chennai - 600 001. ... Respondents/Respondents

Prayer :-

Writ Miscellaneous Petition filed under Article 226 of Constitution of India praying to grant extension of a period of one month so as to comply with the order passed by this Honble Court dated 01.02.2023 made in WP.NO.11861 of 2022 and WMP(MD).No.8425 of 2022.

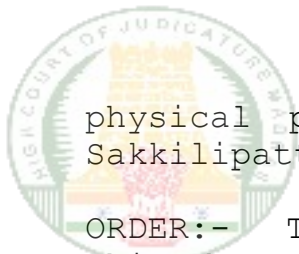
Prayer in WP(MD).11861 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a writ of Certiorarified Mandamus calling for the records relating to the order made by the 1st respondent in Cr.M.P. No.218 of 2022 dated 05.04.2022 and quash the same as illegal and consequently direct the respondents not to take possession or auction the petitioners property.

Prayer in WMP(MD).8425 of 2022 :

Writ Miscellaneous Petition filed praying to grant an order of Ad-Interim Injunction restraining the respondents not to distrub the

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physical possession of the petitioners property in No. 1a
Sakkilipatti Road, Vedar Puliyangulam, Madurai - 625 006

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. B.Narayan Ram, Advocate for the Petitioner and of Mr. Pethu Rajesh, Advocate for the 2nd respondent, this Court made the following order:

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

This extension of time application has been filed by the petitioner seeking one month time to comply with the directions issued by this Court vide order dated 01.02.2023 in W.P.(MD) Nos.1926 of 2023 & 11861 of 2022.

2. Learned counsel appearing for the petitioner submitted that in order to show *bona fide*, the petitioner has paid a sum of Rs.75,00,000/- (Rupees seventy five lakhs only) on 08.05.2023 and he will pay the balance amount within a month's time. Learned counsel for the petitioner also submitted that since the respondent - Bank has not informed the outstanding amount payable by the petitioner, the petitioner could not pay the balance amount.

3. Learned Standing Counsel appearing for the respondent - Bank, by way of reply, submitted that statement of accounts will be furnished to the petitioner within three days. Learned Standing Counsel further submitted that the total outstanding amount payable by the petitioner is Rs.1,47,00,000/- (Rupees one crore forty seven lakhs only) and after deducting the previous payment of Rs.75,00,000/- (Rupees seventy five lakhs only), the balance amount has to be cleared. Learned Standing Counsel further submitted that there is no necessity for the petitioner to come to this Court and seek extension of time for making payment, as the respondent - Bank has not taken any step to either bring the secured asset to the public auction or take its physical possession under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4. Be that as it may, since the petitioner (a) is a physically challenged person, (b) has also paid a substantial amount of Rs.75,00,000/- (Rupees seventy five lakhs only) on 08.05.2023 and (c) undertakes that he will pay the balance amount within a period of one month, we are of the view that the petitioner can be granted some indulgence.

5. Accordingly, this miscellaneous petition is ordered on the following terms:

- (i) The petitioner is granted one month time from today to comply with the directions issued by this Court vide order dated 01.02.2023 in W.P.(MD) Nos.1926 of 2023 & 11861 of 2022;



(ii) The respondent - Bank is directed to furnish statement of accounts to the petitioner within three days from today.

(iii) If the petitioner fails to pay the balance amount within a period of one month from today, as indicated above, no more extension of time application will be entertained and the respondent - Bank can proceed further in the manner known to law.

(iv) Needless to mention that if there is any grievance with regard to the statement of accounts, the petitioner can approach the Authorized Officer of the respondent - Bank, who will redress the same in the manner known to law. However, the petitioner should pay the balance amount within a period of one month.

(v) The respondent - Bank is directed to give the key of the residential premises to the petitioner within a day or two.

Sd/-

Assistant Registrar

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

TO

1. The Chief Judicial Magistrate
Madurai
2. The Authorized Officer
Cholamandalam Investment And
Finance Co.Ltd. Rep by
Thiyagu Neelamegam
S/o. Neelamegam
Dare House No.2
N.S.C. Bose Road Parrys
Chennai - 600 001.

+1 CC to Mr.B.Narayan Ram , Advc,SR No. 25431

ORDER DATED : 18/05/2023

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ORDER

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WMP(MD). No.9331 of 2023

in

WP(MD).11861 of 2022

Giving direction and etc.
as stated within.

MK/23.05.2023 3P 4C

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